

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGELO LOMANTO,
Petitioner,

-v-

ANTHONIA ADUKE AGBELUSI,
Defendant.

22-CV-7349 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Having reviewed and considered the parties' letters regarding discovery at ECF Nos. 85, 88, 89, 101, 102, and 107, the Court hereby ORDERS as follows:

By February 15, 2023, Petitioner shall produce:

- Complete WhatsApp audio files reflecting conversations on 11/22/22, 9/12/21, 8/11/21, and 10/11/21, including any deleted files; any WhatsApp conversations with either of the children within one week before and after those conversations; and all metadata associated with those documents.
- Any communications, in full, between Petitioner and either of the children between 8/1/21 and the present that are relevant to Petitioner's claim of wrongful removal or return or to the potential defenses of grave risk of harm, the well-settled defense, or sufficient maturity.
- Complete copies of any and all orders, transcripts, or other documents relating to Spanish custody proceedings involving the parties, to the extent that such documents are in Petitioner's possession, custody, or control and have not already been produced.
- Complete copies of any and all documents constituting or relating to any Spanish police reports, records, or other documents in connection with Respondent and/or the children, including documents marked "Atestado No. 19186/21" and "Atestado no. 19245/21," to the extent that such documents are in Petitioner's possession, custody, or control and have not already been produced.

By February 15, 2023, Respondent shall produce:

- Any immigration-related documents for the children and/or the mother, including documents relating to a form I-130 ("Petition for Alien Relative") to the extent that such documents are in Respondent's possession, custody, or control.

- Documents sufficient to show the dates and times of Respondent's air travel to and from Spain in September-October 2021.
- Any written statement by or on behalf of Respondent to the Spanish police upon Respondent's return to Spain in or about September 2021, to the extent that such statement is in Respondent's possession, custody, or control.
- Any permission letter provided by Petitioner to Respondent in connection with Respondent's travel to Cancun/Mexico and/or the United States, to the extent that such is in Respondent's possession, custody, or control.

By February 15, 2023, both parties shall produce:

- Any and all date information and metadata associated with previously produced documents to the extent that such information was not previously produced and is available.
- Any and all newly created or newly discovered documents that are relevant to the claims or defenses in this case (to be produced on an ongoing basis).

The parties' requests are otherwise denied on the grounds that the documents sought are not relevant or not proportional to the needs of the case, have been substantially produced, or do not appear to be in the possession, custody, or control of the party.

The Clerk of Court is directed to close the motion at ECF No. 85, which is hereby granted in part, and the motion at ECF No. 100, which was granted during the February 2, 2023 conference.

SO ORDERED.

Dated: February 8, 2023
New York, New York



J. PAUL OETKEN
United States District Judge